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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

CR No. 17-00423-AB-1

13 Plaintiff,

PLEA AGREEMENT FOR DEFENDANT
YANNICK MAI

14 v.

15 YANNICK MAI,

16 Defendant.

17
18 1. This constitutes the plea agreement between YANNICK MAI
19 ("defendant") and the United States Attorney's Office for the Central
20 District of California (the "USAO") in the above-captioned case.
21 This agreement is limited to the USAO and cannot bind any other
22 federal, state, local, or foreign prosecuting, enforcement,
23 administrative, or regulatory authority.

24 DEFENDANT'S OBLIGATIONS

25 2. Defendant agrees to:

26 a. At the earliest opportunity requested by the USAO and
27 provided by the Court, appear and plead guilty to count one of the
28 indictment in United States v. YANNICK MAI, CR No. 17-00423-AB-1,

awk

1 which charges defendant with possession with intent to distribute at
2 least 500 grams of a mixture and substance containing a detectable
3 amount of methamphetamine, in violation of 21 U.S.C. § 841(a)(1),
4 (b)(1)(A)(viii).

5 b. Not contest facts agreed to in this agreement.

6 c. Abide by all agreements regarding sentencing contained
7 in this agreement.

8 d. Appear for all court appearances, surrender as ordered
9 for service of sentence, obey all conditions of any bond, and obey
10 any other ongoing court order in this matter.

11 e. Not commit any crime; however, offenses that would be
12 excluded for sentencing purposes under United States Sentencing
13 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
14 within the scope of this agreement.

15 f. Be truthful at all times with Pretrial Services, the
16 United States Probation Office, and the Court.

17 g. Pay the applicable special assessment at or before the
18 time of sentencing unless defendant lacks the ability to pay and
19 prior to sentencing submits a completed financial statement on a form
20 to be provided by the USAO.

21 THE USAO'S OBLIGATIONS

22 3. The USAO agrees to:

23 a. Not contest facts agreed to in this agreement.

24 b. Abide by all agreements regarding sentencing contained
25 in this agreement.

26 c. At the time of sentencing, provided that defendant
27 demonstrates an acceptance of responsibility for the offense up to
28 and including the time of sentencing, recommend a two-level reduction

1 in the applicable Sentencing Guidelines offense level, pursuant to
2 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
3 additional one-level reduction if available under that section.

4 NATURE OF THE OFFENSE

5 4. Defendant understands that for defendant to be guilty of
6 the crime charged in count one, that is, possession with intent to
7 distribute methamphetamine, in violation of Title 21, United States
8 Code, Section 841(a)(1), (b)(1)(A)(viii), the following must be true:

9 a. First, defendant knowingly possessed methamphetamine;
10 and

11 b. Second, defendant possessed the methamphetamine with
12 the intent to distribute it to another person.

13 5. Defendant understands that for defendant to be subject to
14 the statutory maximum and statutory minimum sentence set forth below,
15 the government must prove beyond a reasonable doubt that defendant
16 possessed at least 500 grams of a mixture or substance containing a
17 detectable amount of methamphetamine. Defendant admits that
18 defendant, in fact, possessed at least 500 grams of a mixture or
19 substance containing a detectable amount of methamphetamine.

20 PENALTIES

21 6. Defendant understands that the statutory maximum sentence
22 that the Court can impose for a violation of Title 21, United States
23 Code, Section 841(a)(1), (b)(1)(A)(viii), is: life imprisonment; a
24 lifetime period of supervised release; a fine of \$10,000,000 or twice
25 the gross gain or gross loss resulting from the offense, whichever is
26 greatest; and a mandatory special assessment of \$100.

27 7. Defendant understands that, absent a determination by the
28 Court that defendant's case satisfies the criteria set forth in 18

1 U.S.C. § 3553(f) and U.S.S.G. § 5C1.2, the statutory mandatory
2 minimum sentence that the Court must impose for a violation of Title
3 21, United States Code, Section 841(a)(1), (b)(1)(A)(viii), is: ten
4 years' imprisonment, followed by a five-year period of supervised
5 release, and a mandatory special assessment of \$100.

6 8. Defendant understands that supervised release is a period
7 of time following imprisonment during which defendant will be subject
8 to various restrictions and requirements. Defendant understands that
9 if defendant violates one or more of the conditions of any supervised
10 release imposed, defendant may be returned to prison for all or part
11 of the term of supervised release authorized by statute for the
12 offense that resulted in the term of supervised release.

13 9. Defendant understands that, by pleading guilty, defendant
14 may be giving up valuable government benefits and valuable civic
15 rights, such as the right to vote, the right to possess a firearm,
16 the right to hold office, and the right to serve on a jury.
17 Defendant understands that once the court accepts defendant's guilty
18 plea, it will be a federal felony for defendant to possess a firearm
19 or ammunition. Defendant understands that the conviction in this
20 case may also subject defendant to various other collateral
21 consequences, including but not limited to revocation of probation,
22 parole, or supervised release in another case and suspension or
23 revocation of a professional license. Defendant understands that
24 unanticipated collateral consequences will not serve as grounds to
25 withdraw defendant's guilty plea.

26 10. Defendant understands that, if defendant is not a United
27 States citizen, the felony conviction in this case may subject
28 defendant to: removal, also known as deportation, which may, under

1 some circumstances, be mandatory; denial of citizenship; and denial
2 of admission to the United States in the future. The court cannot,
3 and defendant's attorney also may not be able to, advise defendant
4 fully regarding the immigration consequences of the felony conviction
5 in this case. Defendant understands that unexpected immigration
6 consequences will not serve as grounds to withdraw defendant's guilty
7 plea.

8 11. Defendant understands that under 21 U.S.C. § 862a,
9 defendant will not be eligible for assistance under state programs
10 funded under the Social Security Act or Federal Food Stamp Act or for
11 federal food stamp program benefits, and that any such benefits or
12 assistance received by defendant's family members will be reduced to
13 reflect defendant's ineligibility.

14 FACTUAL BASIS

15 12. Defendant admits that defendant is, in fact, guilty of the
16 offense to which defendant is agreeing to plead guilty. Defendant
17 and the USAO agree to the statement of facts provided below and agree
18 that this statement of facts is sufficient to support a plea of
19 guilty to the charge described in this agreement and to establish the
20 Sentencing Guidelines factors set forth in paragraph 14 below but is
21 not meant to be a complete recitation of all facts relevant to the
22 underlying criminal conduct or all facts known to either party that
23 relate to that conduct.

24 On June 10, 2017, in Los Angeles, California, within the Central
25 District of California, defendant knowingly possessed with intent to
26 distribute over 500 grams of a mixture or substance containing a
27 detectable amount of methamphetamine, a Schedule II controlled
28 substance. Specifically, defendant entered Los Angeles International

1 Airport planning to board an Air France flight to Tahiti, carrying
2 methamphetamine on his person, which he intended to distribute to
3 another person. Upon screening by the Transportation Security
4 Administration, defendant was found to be carrying methamphetamine in
5 his groin area. Subsequent laboratory analysis of the substance
6 determined that, in total, defendant possessed approximately 1,382
7 grams of actual methamphetamine. Defendant possessed this
8 methamphetamine for the purpose of transporting it to Tahiti where it
9 would be distributed to others. Defendant knew that the substance he
10 possessed was methamphetamine, and admits that he possessed with
11 intent to distribute at least 500 grams of a mixture or substance
12 containing a detectable amount of methamphetamine, namely, a mixture
13 or substance containing approximately 1,382 grams of actual
14 methamphetamine.

15 SENTENCING FACTORS

16 13. Defendant understands that in determining defendant's
17 sentence the Court is required to calculate the applicable Sentencing
18 Guidelines range and to consider that range, possible departures
19 under the Sentencing Guidelines, and the other sentencing factors set
20 forth in 18 U.S.C. § 3553(a). Defendant understands that the
21 Sentencing Guidelines are advisory only, that defendant cannot have
22 any expectation of receiving a sentence within the calculated
23 Sentencing Guidelines range, and that after considering the
24 Sentencing Guidelines and the other § 3553(a) factors, the Court will
25 be free to exercise its discretion to impose any sentence it finds
26 appropriate between the mandatory minimum and the maximum set by
27 statute for the crime of conviction.

14. Defendant and the USAO agree to the following applicable Sentencing Guidelines factors:

Base Offense Level: 34 U.S.S.G. § 2D1.1(a)(5),
(c)(3)

Defendant and the USAO reserve the right to argue that additional specific offense characteristics, adjustments, and departures under the Sentencing Guidelines are appropriate. Defendant understands that defendant's offense level could be increased if defendant is a career offender under U.S.S.G. §§ 4B1.1 and 4B1.2. If defendant's offense level is so altered, defendant and the USAO will not be bound by the agreement to Sentencing Guideline factors set forth above.

15. Defendant understands that there is no agreement as to defendant's criminal history or criminal history category.

16. Defendant and the USAO reserve the right to argue for a sentence outside the sentencing range established by the Sentencing Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1), (a)(2), (a)(3), (a)(6), and (a)(7).

WAIVER OF CONSTITUTIONAL RIGHTS

17. Defendant understands that by pleading guilty, defendant gives up the following rights:

- a. The right to persist in a plea of not guilty.
- b. The right to a speedy and public trial by jury.
- c. The right to be represented by counsel -- and if necessary have the court appoint counsel -- at trial. Defendant understands, however, that, defendant retains the right to be represented by counsel -- and if necessary have the court appoint counsel -- at every other stage of the proceeding.

1 d. The right to be presumed innocent and to have the
2 burden of proof placed on the government to prove defendant guilty
3 beyond a reasonable doubt.

4 e. The right to confront and cross-examine witnesses
5 against defendant.

6 f. The right to testify and to present evidence in
7 opposition to the charges, including the right to compel the
8 attendance of witnesses to testify.

9 g. The right not to be compelled to testify, and, if
10 defendant chose not to testify or present evidence, to have that
11 choice not be used against defendant.

12 h. Any and all rights to pursue any affirmative defenses,
13 Fourth Amendment or Fifth Amendment claims, and other pretrial
14 motions that have been filed or could be filed.

15 WAIVER OF APPEAL OF CONVICTION

16 18. Defendant understands that, with the exception of an appeal
17 based on a claim that defendant's guilty plea was involuntary, by
18 pleading guilty defendant is waiving and giving up any right to
19 appeal defendant's conviction on the offense to which defendant is
20 pleading guilty. Defendant understands that this waiver includes,
21 but is not limited to, arguments that the statute to which defendant
22 is pleading guilty is unconstitutional, and any and all claims that
23 the statement of facts provided herein is insufficient to support
24 defendant's plea of guilty.

25 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

26 19. Defendant agrees that, provided the Court imposes a total
27 term of imprisonment on the count of conviction within or below the
28 range corresponding to an offense level of 34 and the criminal

1 history calculated by the Court, defendant gives up the right to
2 appeal all of the following: (a) the procedures and calculations used
3 to determine and impose any portion of the sentence; (b) the term of
4 imprisonment imposed by the Court; (c) the fine imposed by the court,
5 provided it is within the statutory maximum; (d) the
6 constitutionality or legality of defendant's sentence, provided it is
7 within the statutory maximum; (e) the term of probation or supervised
8 release imposed by the Court, provided it is within the statutory
9 maximum; and (f) any of the following conditions of probation or
10 supervised release imposed by the Court: the conditions set forth in
11 General Orders 318, 01-05, and/or 05-02 of this Court; the drug
12 testing conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d);
13 and the alcohol and drug use conditions authorized by 18 U.S.C.
14 § 3563(b)(7).

15 20. The USAO agrees that, provided (a) all portions of the
16 sentence are at or above the statutory minimum and at or below the
17 statutory maximum specified above and (b) the Court imposes a term of
18 imprisonment within or above the range corresponding to an offense
19 level of 31 and the criminal history category calculated by the
20 Court, the USAO gives up its right to appeal any portion of the
21 sentence.

22 RESULT OF WITHDRAWAL OF GUILTY PLEA

23 21. Defendant agrees that if, after entering a guilty plea
24 pursuant to this agreement, defendant seeks to withdraw and succeeds
25 in withdrawing defendant's guilty plea on any basis other than a
26 claim and finding that entry into this plea agreement was
27 involuntary, then the USAO will be relieved of all of its obligations
28 under this agreement.

1 EFFECTIVE DATE OF AGREEMENT

2 22. This agreement is effective upon signature and execution of
3 all required certifications by defendant, defendant's counsel, and an
4 Assistant United States Attorney.

5 BREACH OF AGREEMENT

6 23. Defendant agrees that if defendant, at any time after the
7 signature of this agreement and execution of all required
8 certifications by defendant, defendant's counsel, and an Assistant
9 United States Attorney, knowingly violates or fails to perform any of
10 defendant's obligations under this agreement ("a breach"), the USAO
11 may declare this agreement breached. All of defendant's obligations
12 are material, a single breach of this agreement is sufficient for the
13 USAO to declare a breach, and defendant shall not be deemed to have
14 cured a breach without the express agreement of the USAO in writing.
15 If the USAO declares this agreement breached, and the Court finds
16 such a breach to have occurred, then: (a) if defendant has previously
17 entered a guilty plea pursuant to this agreement, defendant will not
18 be able to withdraw the guilty plea, and (b) the USAO will be
19 relieved of all its obligations under this agreement.

20 COURT AND PROBATION OFFICE NOT PARTIES

21 24. Defendant understands that the Court and the United States
22 Probation Office are not parties to this agreement and need not
23 accept any of the USAO's sentencing recommendations or the parties'
24 agreements to facts or sentencing factors.

25 25. Defendant understands that both defendant and the USAO are
26 free to: (a) supplement the facts by supplying relevant information
27 to the United States Probation Office and the Court, (b) correct any
28 and all factual misstatements relating to the Court's Sentencing

1 Guidelines calculations and determination of sentence, and (c) argue
2 on appeal and collateral review that the Court's Sentencing
3 Guidelines calculations and the sentence it chooses to impose are not
4 error, although each party agrees to maintain its view that the
5 calculations in paragraph 14 are consistent with the facts of this
6 case. While this paragraph permits both the USAO and defendant to
7 submit full and complete factual information to the United States
8 Probation Office and the Court, even if that factual information may
9 be viewed as inconsistent with the facts agreed to in this agreement,
10 this paragraph does not affect defendant's and the USAO's obligations
11 not to contest the facts agreed to in this agreement.

12 26. Defendant understands that even if the Court ignores any
13 sentencing recommendation, finds facts or reaches conclusions
14 different from those agreed to, and/or imposes any sentence up to the
15 maximum established by statute, defendant cannot, for that reason,
16 withdraw defendant's guilty plea, and defendant will remain bound to
17 fulfill all defendant's obligations under this agreement. Defendant
18 understands that no one -- not the prosecutor, defendant's attorney,
19 or the Court -- can make a binding prediction or promise regarding
20 the sentence defendant will receive, except that it will be between
21 the statutory mandatory minimum and the statutory maximum.

22 NO ADDITIONAL AGREEMENTS

23 27. Defendant understands that, except as set forth herein,
24 there are no promises, understandings, or agreements between the USAO
25 and defendant or defendant's attorney, and that no additional
26 promise, understanding, or agreement may be entered into unless in a
27 writing signed by all parties or on the record in court.

28 //


PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

28. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA


NICOLA T. HANNA
United States Attorney



SYLVIA R. EWALD
Assistant United States Attorney

11/03/2018

Date



YANNICK MAI
Defendant



Date

11-2-2018

Date

MICHAEL DEVEREUX
Attorney for Defendant YANNICK MAI

CERTIFICATION OF DEFENDANT

This agreement has been read to me in French, the language I understand best. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.



YANNICK MAI
Defendant

11/02/2018

Date

CERTIFICATION OF INTERPRETER

I, Julie Brucker, am fluent in the written and spoken English and French languages. I accurately translated this entire agreement from English into French to defendant YANNICK MAI on this date.



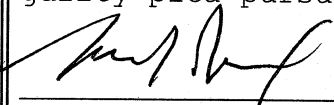
INTERPRETER

11/2/18

Date

1 CERTIFICATION OF DEFENDANT'S ATTORNEY

2 I am YANNICK MAI's attorney. I have carefully and thoroughly
3 discussed every part of this agreement with my client. Further, I
4 have fully advised my client of his rights, of possible pretrial
5 motions that might be filed, of possible defenses that might be
6 asserted either prior to or at trial, of the sentencing factors set
7 forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines
8 provisions, and of the consequences of entering into this agreement.
9 To my knowledge: no promises, inducements, or representations of any
10 kind have been made to my client other than those contained in this
11 agreement; no one has threatened or forced my client in any way to
12 enter into this agreement; my client's decision to enter into this
13 agreement is informed and voluntary; and the factual basis set forth
14 in this agreement is sufficient to support my client's entry of a
15 guilty plea pursuant to this agreement.

16 
17 _____
18 MICHAEL DEVEREUX
19 Attorney for Defendant YANNICK MAI

11-2-2018

Date